

EXHIBIT 2 –
Declaration of Miguel
Forero, Disease
Control Specialist,
Nevada Department
of Corrections

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARCELL WILLIAMS,

Plaintiff,

vs.

WARDEN OF SOUTHERN DESERT
CORRECTIONAL CENTER, et al.,

Defendants.

CASE NO. 2:20-cv-00639-RFB-BNW

**DECLARATION OF MIGUEL
FORERO, DISEASE CONTROL
SPECIALIST, NEVADA
DEPARTMENT OF CORRECTIONS**

I, Miguel Forero, hereby declare based on personal knowledge and/or information and belief, that the following assertions are true.

1. I am currently employed by the Nevada Department of Corrections (NDOC) as a Disease Control Specialist III. As part of my regular duties, I work with the NDOC Medical Director, Michael Minev, the Chief of Nursing Services, Medical Administrator Jennifer Bauer, and the rest of the NDOC medical administration and team. As a Disease Control Specialist, I am routinely tasked with ensuring that all necessary documentation and recording of infectious diseases with the NDOC are properly maintained. I am also tasked with implementing medical testing consistent with the policies and procedures set forth by Dr. Minev.

1 2. My job duties currently involve proper recording of all medical data related to
2 COVID-19 tracking as well as in assisting Dr. Minev and the medical team in coordinating
3 all necessary testing, patient care, and protocols regarding COVID-19 screening and
4 quarantining.

5 3. Based on my duties, I attest that as of the date of this declaration, NDOC has
6 twenty-two (22) confirmed COVID-19 inmates. Each of these inmates arrived within the
7 NDOC system after NDOC's COVID-19 procedures were put in place. Of these 22 inmates,
8 only four of these inmates tested positive outside of an intake unit. Based on a total of a
9 minimum of 12,260 inmates tested, this translates to an infection rate of .179%.

10 4. Only one of these 22 confirmed COVID-19 cases was an inmate housed at
11 Southern Desert Correctional Center (SDCC) at the time of the diagnosis. As there were
12 1,584 inmates housed at SDCC as of July 28, 2020, this translates into an infection rate of
13 .06%.

14 5. That inmate was housed in Unit 8, which is a lockdown and segregation unit.
15 He was housed in a cell by himself. The NDOC learned of the inmate's positive test on July
16 11, 2020 as he was tested as part of the routine testing of all inmates being conducted by
17 the NDOC. The inmate was asymptomatic both before and after the COVID-19 test.

18 6. Prior to being housed in Unit 8, the inmate was housed in Unit 6, which is a
19 general population unit where the inmates have more freedom to interact with one another.

20 7. As a result of the SDCC inmate's positive test, he was immediately moved to
21 the infirmary unit (Unit 9), where he was placed in medical isolation in a negative airflow
22 cell. The NDOC also began contact tracing regarding any staff or inmates that may have
23 had close contact with the inmate. This resulted in the decision to test all inmates in Unit
24 6 at the time in which the inmate was housed there. These tests occurred on July 13, 2020.
25 The results of each test was negative for COVID-19.

26 8. Regarding Unit 8, in consultation and advice provided to Dr. Minev from the
27 State Medical Director, Dr. Azzam, and consistent with Center for Disease Control (CDC)
28 recommendations, not every inmate in Unit 8 was tested following the inmate's positive

1 test. This decision was made based on the lack of close contact with inmates in Unit 8 as it
2 is a lockdown unit with very little to no social interaction among the inmates outside of
3 their individual cells. Instead, it was decided that the medically prudent decision was to
4 test only inmates in Unit 8 who exhibit symptoms consistent with a COVID-19 infection.
5 This resulted in three inmates (including inmates Young and Richardson) within Unit 8
6 being tested between July 20 and July 22, 2020. These three tests were also negative for
7 COVID-19. However, to reiterate, each of these inmates are housed individually in a
8 segregated unit, and therefore they do not have any close contact with the other inmates
9 within the unit.

10 9. The decision to not randomly test every inmate in Unit 8 was also made based
11 on the fact that each inmate in the unit had been tested for COVID-19 on either June 15
12 or June 16, 2020 as part of the NDOC's decision to test all inmates and staff at all
13 institutions.

14 10. In addition to the 22 COVID-19 inmates within the NDOC system, as of the
15 date of this Declaration, July 29, 2020, there have been a total of seventy-two (72) staff
16 members that have tested positive throughout the NDOC system. Five (5) of these staff
17 members were assigned to SDCC at the time of positive test, although some of those staff
18 members had been assigned to offsite work guarding inmates at area hospitals. This
19 translates to an overall infection of inmates and staff system wide of approximately .629%,
20 (94/14,926 staff and inmates) and of approximately .31% at SDCC (6/1,918 inmates and
21 staff).

22 11. As per the protocols designed and implemented by Dr. Minev, contact tracing
23 is initiated whenever either an inmate or staff member tests positive for COVID-19. All
24 staff members who have tested positive are placed on medical isolation and are not
25 permitted to return to work until obtaining medical clearance from Dr. Minev. The medical
26 clearance may differ depending on the particular circumstances of each patient, however,
27 no COVID-19 positive staff member is permitted to return to work until he or she has
28 received two negative COVID-19 tests separated in time by at least 48 hours, until

1 symptom free for at least seventy-two hours, and until being isolated for a minimum of
2 fourteen (14) days.

3 12. On May 27, 2020, NDOC announced that all inmates and staff would be tested
4 for COVID-19. As of the date of this declaration, all inmates have staff have completed
5 that testing.

6 13. In addition to the first round of testing, on July 26, 2020, the NDOC made the
7 decision to again test everyone inmate and staff member at Florence McClure Women's
8 Correctional Center (FMWCC). This decision was made out of an abundance of caution due
9 to a couple of recent positive COVID-19 tests at that institution.

10 14. The NDOC has also decided to again perform mandatory testing of all inmates
11 at each institution beginning in August 2020. The plan is to complete at least one
12 institution per month from August 2020 through February 2021. Following the completion
13 of that round of testing in February 2021, the NDOC plans to take one month off from
14 random, mandatory testing, before beginning the process again in April 2021, with an
15 anticipated completion date of October 2021.

16 15. While there is an initial schedule as to when these institutions will be tested,
17 due to the need to have flexibility, I will not disclose that information at this time in this
18 Declaration. However, should the Court believe it is important to know which institution
19 is scheduled for which month, that information can be provided to the Court. If the Court
20 seeks that information, the NDOC and my counsel have advised me that it would
21 respectfully request that the information be provided to the Court in a confidential manner
22 until such time as the information is made public.

23 16. The NDOC has also decided that effective August 2020, all staff members will
24 be tested once every two weeks as a matter of course. This testing will continue until such
25 time as Dr. Minev concludes that the testing is no longer necessary on that schedule.

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